

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Khyree Banks

Docket No. 2:19-CR-11-1BO

Petition for Action on Supervised Release

COMES NOW Lakesha H. Wright, Senior United States Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Khyree Banks, who, upon an earlier plea of guilty to Felon in Possession of a Firearm and Ammunition, in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2), was sentenced by the Honorable Terrence W. Boyle, United States District Judge, on February 9, 2021, to the custody of the Bureau of Prisons for a term of 40 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 3 years. On July 28, 2021, following the Fourth Circuit Court of Appeals granting of the government's unopposed motion to vacate the aforementioned judgment and in consideration of the Fourth Circuit's decisions in United States v. Rogers, 961 F.3d 291 (4th Cir. 2020), and United States v. Singletary, 984 F.3d 341 (4th Cir. 2021), Banks case was remanded and he was resentenced to the custody of the Bureau of Prisons for a term of 40 months to be served concurrent with the state sentence imposed in 19CRS51106. The court reimposed a 3-year term of supervised release.

Khyree Banks was released from custody on May 17, 2024, at which time the term of supervised release commenced.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On June 13, 2024, the defendant submitted to an instant urine screen which tested positive for cocaine use. When confronted with the result, Banks denied using cocaine. Nonetheless, the national laboratory confirmed the instant urine screen result on June 17, 2024. Although the defendant continued to deny his use of cocaine, he ultimately signed a Waiver of Hearing wherein he agreed to modify his supervised release to include participation in substance abuse treatment as directed by the probation officer. Additionally, Banks agreed to modify his supervised release to include mental health treatment in consideration of his ongoing issues with intermittent depression. As such, it is respectfully recommended the defendant's supervised release conditions be modified accordingly.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall participate in a program of mental health treatment, as directed by the probation office.

Except as herein modified, the judgment shall remain in full force and effect.

I declare under penalty of perjury that the foregoing
is true and correct.

/s/ Lakesha H. Wright
Lakesha H. Wright
Senior U.S. Probation Officer
306 East Main Street, Room 306
Elizabeth City, NC 27909-7909
Phone: 252-335-5508
Executed On: July 1, 2024

ORDER OF THE COURT

Considered and ordered this 2 day of July, 2024, and ordered filed and
made a part of the records in the above case.

Terrence W. Boyle
Terrence W. Boyle
United States District Judge